

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Derrick Cameron Norris, :
Petitioner, :
v. : Case No. 2:15-cv-764
Jason Bunting, : JUDGE ALGENON L. MARBLEY
Respondent. : Magistrate Judge Kemp

REPORT AND RECOMMENDATION

On February 17, 2015, Petitioner filed a petition for a writ of habeas corpus in the Northern District of Ohio. He neither paid the filing fee nor submitted an application to proceed in forma pauperis. Following the transfer of the case, the Court issued an order dated March 4, 2015, directing petitioner to pay the filing fee in full (\$5.00) or submit an application to proceed in forma pauperis within twenty-eight days. Petitioner has not responded to the order.

If a prisoner who seeks habeas corpus relief does not comply with a district court's deficiency order directing payment of the full filing fee or a proper application to proceed in forma pauperis, the district court must presume that the petitioner is not a pauper and assess the full filing fee. McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997). Consequently, the Court will assess the full filing fee against petitioner. Further, the Court will recommend that this case be dismissed for failure to prosecute if petitioner does not pay the fee in full within fourteen days of the date of this Report and Recommendation. Id.

Based on the foregoing, the petitioner shall pay the \$5.00 filing fee in full within fourteen days of the date of this

Report and Recommendation. Further, it is recommended that, if petitioner fails to pay the filing fee as ordered, this case be dismissed for lack of prosecution.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp
United States Magistrate Judge